

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THREE MILLION NINE
HUNDRED THIRTY THOUSAND
(3,930,000) CIGARETTES OF
ASSORTED BRANDS,

and

2004 FORD F-650 DIESEL
TRUCK, VIN
3FRNX65244V604102, ILLINOIS
LICENSE NUMBER 22507K,

Defendants.

CV-05-0060-LRS

Final Order of Forfeiture

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, that the defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 2344(c) and 49 U.S.C. §80303.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant property being forfeited is described as follows:

- 1) Sale proceeds in the amount of \$188,000.00 more or less derived from the interlocutory sale of three million nine hundred thirty thousand (3,930,000) cigarettes of assorted brands; and,
- 2) One Ford F-650 Diesel Truck, VIN 3FRNX65244V604102, Illinois License Number 22507K.

1 On March 3, 2005, Attorney David Groesbeck was served via certified mail
2 with copies of the Verified Complaint for Forfeiture In Rem, and Notice of Complaint
3 for Forfeiture, as evidenced by the Certificate of Service of Notice by Mail filed with
4 the Court on March 3, 2005. On April 1, 2005, Big Ash Fine Cigars and Tobaccos
5 (hereafter "Big Ash") filed a claim. On April 21, 2005, Big Ash filed an answer. On
6 October 6, 2009, Big Ash filed a stipulation to withdraw its claim.

7 On April 1, 2005, Venture Wholesale, Inc. (hereafter "Venture Wholesale")
8 filed a claim. On April 21, 2005, Venture Wholesale filed an answer. On October
9 6, 2009, Venture Wholesale filed a stipulation to withdraw its claim.

10 On May 9, 2005, Attorney Michael Wrenn filed a Notice of Appearance on
11 behalf of Ford Motor Credit Company (hereafter "Ford"). On May 10, 2005, Ford
12 filed a claim to the defendant Ford F-650 truck, and the United States and Ford filed
13 an expedited settlement agreement. On October 6, 2009, the United States confirmed
14 with the firm Severson & Werson, which currently represents Ford, that the sales
15 contract between Ford and Big Ash is paid in full.

16 The Notice of Complaint was published on March 31, April 7 and 14, 2005, in
17 the Spokesman Review, a newspaper of general circulation in Spokane County,
18 Washington, as evidenced by the TDF-90 Treasury form filed with the Court on May
19 2, 2005. Rule C of the Supplemental Rules for Certain Admiralty and Maritime
20 Claims, Fed. R. Civ. P., and 18 U.S.C. § 983(a)(4)(A), require that claimants file a
21 claim within thirty (30) days after final date of publication of the Notice of Complaint
22 for Forfeiture, or within thirty (30) days after service of the complaint, whichever
23 occurs first. At the latest this 30-day period expired on May 16, 2005. No other
24 claims to the defendant property have been filed.

25 It appearing to the Court that Big Ash's interest in the defendant property has
26 been resolved through the stipulation to withdraw claim;

27 It appearing to the Court that Venture Wholesale's interest in the defendant
28 property has been resolved through the stipulation to withdraw claim;

1 It also appearing to the Court that Ford Motor Credit Company's interest in the
2 defendant property has been resolved through the payoff of the sales contract between
3 Ford and Big Ash;

4 It further appearing to the Court that no other claims have been made to the
5 defendant property;

6 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
7 defendant property is hereby forfeited to the United States of America, and no right,
8 title, or interest shall exist in any other person.

9 IT IS FURTHER ORDERED that the United States shall dispose of the
10 forfeited defendant property in accordance with law.

11 DATED this 23rd day of October, 2009.

12 *s/Lonny R. Suko*

13 _____
14 Lonny R. Suko
15 Chief United States District Judge

16 Presented by:

17 James A. McDevitt
18 United States Attorney

19 s/Joseph H. Harrington

20 Joseph H. Harrington
21 Assistant United States Attorney
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